

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DARRYL KEITH ROSENCRANTS, Individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

DANIMER SCIENTIFIC, INC., STEPHEN E.  
CROSKREY, JOHN A. DOWDY, III, JOHN P.  
AMBOIAN, RICHARD J. HENDRIX, CHRISTY  
BASCO, PHILLIP GREGORY CALHOUN,  
GREGORY HUNT, ISAO NODA, and STUART W.  
PRATT,

Defendants.

**21-CV-2708 (MKB) (RLM)**

**ORDER CONSOLIDATING  
RELATED ACTIONS, APPOINTING  
LEAD PLAINTIFF, AND  
APPROVING LEAD PLAINTIFF'S  
SELECTION OF COUNSEL**

ELIZABETH SKISTIMAS and JOHN SKISTIMAS,  
Individually and on behalf of all others similarly situated,

Plaintiffs,

v.

DANIMER SCIENTIFIC, INC. f/k/a LIVE OAK  
ACQUISITION CORP., STEPHEN A. CROSKY, and  
JOHN A. DOWDY, III,

Defendants.

**21-CV-2824 (MKB) (RLM)**

WHEREAS, the above-captioned securities class actions (the “Securities Class Actions”) have been filed against defendants Danimer Scientific, Inc. (“Danimer” or the “Company”) and certain of its officers and directors, alleging violations of the federal securities laws;

WHEREAS, Rule 42(a) of the Federal Rules of Civil Procedure provides that a court may order all actions consolidated if they involve “a common question of law or fact.” Fed. R. Civ. P.

42(a). The Securities Class Actions involve common legal and factual issues; thus, efficiency and consistency will result from their consolidation. *See id.*;

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on May 14, 2021, a notice was issued to potential class members of the action informing them of, *inter alia*, their right to move to serve as lead plaintiff within 60 days of the date of the issuance of said notice;

WHEREAS, on July 13, 2021, six movants, or groups of movants, filed competing motions seeking to consolidate the actions, to be appointed as lead plaintiff, and for approval of that movant’s selection of counsel to serve as lead counsel;

WHEREAS, the PSLRA provides, *inter alia*, that the most-adequate plaintiff to serve as lead plaintiff is the person or group of persons that has either filed a complaint or has made a motion in response to a notice and has the largest financial interest in the relief sought by the Class and satisfies the requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii);

WHEREAS, one such movant, class member James Swanson (“Movant Swanson”), claims to have suffered losses in the amount of \$304,757.84, prompting the other five movants to acknowledge that he has the largest financial interest and to withdraw their own motions or state their non-opposition to Movant Swanson’s application;

WHEREAS, defendants have expressed their support for the motions to consolidate and take no position on the motions for appointment of lead plaintiff; and

WHEREAS, the Court finds that Movant Swanson has the largest financial interest in this action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I).

**IT IS HEREBY ORDERED THAT:**

**CONSOLIDATION OF SECURITIES CLASS ACTIONS**

1. The Securities Class Actions are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings and trial proceedings pursuant to Fed. R. Civ. P. 42(a).

**MASTER DOCKET AND CAPTION**

2. The docket in Case No. 1:21-cv-02708-MKB-RLM shall constitute the Master Docket for this action.

3. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

.....X

In re Danimer Scientific, Inc. Securities  
Litigation

Master File No. 1:21-cv-02708- MKB-RLM

CLASS ACTION

.....X

This Document Relates To:

.....X

4. The file in civil action no. 1:21-cv-02708-MKB-RLM shall constitute a master file for every action in the consolidated action. When the document being filed pertains to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Document Relates To:”. When a pleading applies to some, but not all, of the actions, the document shall list, immediately after the phrase “This Document Relates To:”, the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action.

5. All related Securities Class Actions against Danimer subsequently filed in, or transferred to, this District shall be consolidated into this action. This Order shall apply to every

such action, absent an order of the Court. A party objecting to such consolidation, or to any other provisions of this Order, must file an application for relief from this Order within ten days after the date on which a copy of this Order is mailed to the party's counsel.

6. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

#### **APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

7. Pursuant to 15 U.S.C. § 78u-4(a)(3)(B), Movant Swanson is appointed as Lead Plaintiff for the class as he has the largest financial interest in this litigation and otherwise satisfies the requirements of Fed. R. Civ. P. 23.

8. Movant Swanson's choice of counsel is approved and, accordingly, the law firm of Hagens Berman Sobol Shapiro LLP is appointed as Lead Counsel for the class.

9. Lead Counsel, after being appointed by the Court, shall manage the prosecution of this litigation, and shall be responsible for communications to and from the Court. Lead Counsel is to avoid duplicative or unproductive activities and is hereby vested by the Court with the responsibilities that include, without limitation, the following: (1) to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of motions in accordance with the schedules set by the orders and rules of this Court; (3) to initiate and direct discovery; (4) to prepare the case for trial; and (5) to engage in settlement negotiations on behalf of Lead Plaintiff and the Class.

SO ORDERED:

Dated September 24, 2021

s/ MKB  
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HONORABLE MARGO K. BRODIE  
UNITED STATES DISTRICT JUDGE